

1 GILADI

2 Q. And where?

3 A. If I had any, it's in Israel.

4 Q. That would have been by Dr. Russo?

5 A. Dr. Russo doesn't do EMGs.

6 Q. Who over there does EMG for you?

7 A. For me?

8 Q. Yes.

9 A. I don't recall. Dr. Sadeh did for me.

10 Q. S-A-D-E-H?

11 A. Yes. He did for me EMG.

12 Q. Do you have copies of any EMGs in your  
13 possession?

14 A. Whatever I had, I gave to my attorney.

15 Q. Did you keep copies of them?

16 A. I said whatever I have, I gave to my  
17 attorney.

18 MR. DINHOFFER: Who in turn gave them  
19 to you already, many years ago.

20 MR. BURFORD: There is an EMG that's  
21 referred to in the Workers' Compensation material  
22 that apparently he produced.

23 MR. DINHOFFER: By the Israeli doctor,  
24 Dr. Sadeh.

25 MR. DINHOFFER: Off the record.

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2 (Whereupon, a discussion was held off  
3 the record).

4 Q. In Israel, the only one who has  
5 performed an EMG on you at any time, would have  
6 been Dr. Sadeh?

7 A. To the best of my recollection, yes.

8 Q. Did you have an EMG in October when you  
9 were in Israel?

10 A. The dates --

11 MR. DINHOFER: This year.

12 Q. This year, eight weeks ago?

13 A. You need to be specific with me.

14 Q. You told me earlier, if I recall  
15 correctly, that you were in Israel in October of  
16 this year?

17 A. That's correct.

18 Q. Six to eight weeks ago, something like  
19 that.

20 A. Yes.

21 Q. Did you have an EMG while you were  
22 there?

23 A. No.

24 Q. It was more than a year before you saw  
25 any doctors in Israel for your left arm or wrist

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2 before that?

3 A. I believe so.

4 Q. Any recollections of having EMGs there  
5 in the last five years?

6 A. As I said, if ever I did an EMG, it  
7 would be Dr. Sadeh.

8 Q. In this country, has anyone performed  
9 an EMG on you?

10 A. Yes.

11 Q. Who?

12 A. Dr. Strauch's friends at Montefiore,  
13 but this is a long time ago. It's prior to my  
14 surgery. I do not know his name.

15 Q. Otherwise, no?

16 A. What?

17 Q. The only EMGs you have had would either  
18 be by Dr. Strauch's friend, prior to Dr. Strauch's  
19 surgery, or by Dr. Sadeh in Israel?

20 A. No. I had Dr. Kaplan from Einstein.

21 Q. Anyone else?

22 A. Not that I can recall.

23 Q. Just so I am clear, it's my  
24 understanding that you told the Court that the lost  
25 earnings claim in this case is only for one or two

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2 months?

3 MR. DINHOFFER: It's the period of time

4 here that's indicated by the asterisk in Exhibit

5 A

6 MR. BURFORD: So that's --

7 MR. DINHOFFER: That was the primary  
8 lost wage claim.

9 THE WITNESS: Whatever you do.

10 MR. DINHOFFER: You got reimbursed by  
11 other sources.

12 THE WITNESS: It's my vacation time, my  
13 personal time I did not use because of this  
14 problem. The problem he caused me.

15 MR. DINHOFFER: Then he is amending the  
16 claim.

17 Q. So just so I am clear, the limits of my  
18 lost earnings claim is for the period of time  
19 December 28th through March 7th of 1992?

20 THE WITNESS: You know what, I don't  
21 care. I really -- do whatever you think is right.  
22 I really --

23 MR. DINHOFFER: What I understand him  
24 to be saying, distinct from what I understood this  
25 chart to represent, I thought this chart

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2 represented all time he lost and what was  
3 highlighted by the asterisk is what we were  
4 claiming, what he is explaining to me now, is the  
5 sick hours, the vacation hours, the leave with pay,  
6 hours that he utilized. That too is money he could  
7 have otherwise recouped from his employer. I guess  
8 at some point, either at the end of the year or the  
9 termination of his employment, depending upon what  
10 the contract provided, and had he not used these  
11 times for this injury, then he would have been able  
12 to recoup them otherwise. So then in effect, all  
13 of this is being claimed in this column, I guess  
14 the unclaimed column is the only thing that is not  
15 being claimed.

16 Q. Sir, as you look at Exhibit A, I am  
17 going to make, just so I am now clear once again.  
18 The entirety of the lost earnings claim in this  
19 case, sir, is \$13,000 and change?

20 A. To the best of my recollection, yes.

21 Q. As you look at Exhibit A, does any  
22 portion of the lost hours that you have on this  
23 sheet, refer to or include any problem with your  
24 back?

25 A. No. Because if you look at the chart,



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2 you see that the last day was June 11, 1993. My  
3 injury of my back injury was June 30, 1993.

4 Q. The sick hours totaling 132 hours on  
5 Exhibit A?

6 A. That's correct.

7 Q. Is it your position that you could have  
8 used those sick hours for some other purpose?

9 A. If I was having, I had to go back, I  
10 had to go to work with fever because I didn't have  
11 sufficient sick time, and the reason I didn't have  
12 sick time because I used it for the problem with my  
13 hand. Many times I had to take vacation time or  
14 compensation time that I had in my bank because I  
15 couldn't take the sick time, compensation time is  
16 money for my sick time, is something that I  
17 deserve, but I couldn't take because I use it for  
18 my elbows condition.

19 Q. Do you have any recollection of when,  
20 as you described it, you had a fever and you ended  
21 up going to work anywhere?

22 A. I will give you a better example. Sick  
23 time is accumulated by union contract. In  
24 October and August of 1993, I had to go on medical,  
25 a medical leave with no pay.

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2 Q. In October of '93?

3 A. I said -- August. Because I did not  
4 have enough sick time in my account. If I was  
5 having enough sick time in my account, I could  
6 take sick time, partially sick time, partially,  
7 some -- I could be not on medical leave without  
8 pay, I will be able to receive some income at the  
9 time and not to fall on Workmen's Comp.

10 MR. DINHOFFER: When he is saying when  
11 he injured his back in this July, when he went out  
12 in August he could have then used his sick time  
13 for his back. That he didn't use. He didn't have  
14 it?

15 A. I couldn't use it because I used it  
16 here (indicating) and I lost all my hours.

17 Q. When you injured your back, I  
18 understand you are saying you didn't use your sick  
19 time because it had been used for your wrist or  
20 your elbow?

21 A. Correct.

22 Q. But you were compensated by Worker's  
23 Comp. for the time you were off for your back,  
24 correct?

25 A. As I said, this is an example, how I

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2 can use one thing against the other, you want  
3 something specific that I can use? I, you told me  
4 when I have cold when I have --

5 MR. DINHOFER: Roni. Let the record  
6 reflect Workmen's Compensation is not a complete  
7 remedy in terms of wages, I think everybody knows  
8 that it's a matter of public record. Workers'  
9 Compensation pays you a portion of your wage, not  
10 the whole thing, this would have guaranteed him his  
11 full wage.

12 Q. You mentioned earlier, sir, that you  
13 had a recollection, or you gave us an example of  
14 going to work when you were sick. Other than what  
15 you just told me about your back, do you have any  
16 other recollections of going to work while you were  
17 sick because you were out of sick time?

18 A. If you have a stomach virus you have a  
19 lot of things, I cannot tell you we are talking  
20 about years back.

21 Q. I am just following up on something you  
22 said. That's the only reason I bring it up.

23 A. And I am trying to give you an answer,  
24 but I cannot. You can have a headache in the  
25 morning and you cannot go to work.



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2 Q. When your sheet here, sir, says  
3 "average payment per hour," what was the range?

4 A. It goes from 19, '93 to -- this is, all  
5 of them are in neighborhood of \$19 per hour.

6 Q. What was it on November 30th, and what  
7 was it on June 11th?

8 A. As I said, it's -- the average, the  
9 differences may be a few cents difference like  
10 50-cent difference, or something like that per hour  
11 difference. I cannot tell you exactly at the  
12 moment. Because the maximum can be different.

13 Q. Are any of your expenses paid for by  
14 any of the Jacobs?

15 A. No.

16 Q. Do you currently pay the Jacobs rent?

17 A. No.

18 Q. Do you pay child support?

19 A. I am following the Court Order.

20 Q. My question however was, do you send  
21 off a payment for child support, with whatever  
22 regularity the Court requires?

23 A. I said what the Court Order told me, I  
24 am doing.

25 Q. Have you had any offers of employment

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2 since you graduated from college?

3 A. No.

4 Q. From the process of applying for a job,  
5 how far have you gotten in any particular job?

6 A. Most of the time on the first  
7 conversation was no.

8 Q. What sort of topics are typically  
9 discussed during those conversations?

10 A. Their need. What I can do for them.  
11 What is my knowledge.

12 Q. When you are discussing employment with  
13 a prospective employer, how do you describe your  
14 disability?

15 A. I do not recall, maybe some of the  
16 cases I did, some of the cases I didn't, I do not  
17 know.

18 Q. Not necessarily asking about any  
19 specific case, but generally speaking, when you are  
20 talking to a perspective employer, what do you say  
21 about your disability?

22 A. If anybody asks me if I can do A, B and  
23 A, B and C, I am not going to lie. If I cannot do  
24 it, I say with some accommodation I can do it.

25 Q. What sort of accommodation?

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2. A. I never went through this kind of  
3. conversation. Except with my employer, Albert  
4. Einstein College of Medicine.

5. MR. BURFORD: Thank you very much.

6. (Whereupon, at 2:40 p.m., the  
7. Examination of this Witness was concluded.)

8.

9.

10.

11.

RONI GILADI

12.

13. Subscribed and sworn to before me

14. this \_\_\_\_ day of \_\_\_\_\_, 2000.

15.

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17.

NOTARY PUBLIC

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## E X H I B I T S

## DEFENDANT'S EXHIBITS:

EXHIBIT	EXHIBIT	PAGE
NUMBER	DESCRIPTION	
A	Chart	48
B	'95 tax return	88
C	'92 State tax return	90

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C E R T I F I C A T E

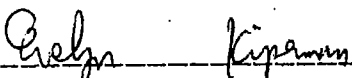
STATE OF NEW YORK )  
COUNTY OF KINGS ) : SS.:

I, EVELYN KIPERMAN, a Notary Public for  
and within the State of New York, do hereby  
certify:

That the witness whose examination is  
hereinbefore set forth was duly sworn and that such  
examination is a true record of the testimony given  
by that witness.

I further certify that I am not related  
to any of the parties to this action by blood or by  
marriage and that I am in no way interested in the  
outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set  
my hand this 12th day of December, 2000.

  
EVELYN KIPERMAN